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9/15/20

North Carolina Association of County Commissioners
323 West Jones Street, Suite 500
Raleigh, NC 27603

Attention:
Steering Committee Members
Legislative Goals Committee
Board of Directors

RE: Jackson County 2020-2021 Legislative Goal Submittal

Requested Goal

Seek legislation that will allow the NC Carolina Sedimentation Control Commission an option to delegate portions of its authority under the Sedimentation and Pollution Control Act to local County programs for all private, **State and Federal** projects.

The Commission already has the ability to delegate erosion control authority to Counties for **private** projects. This delegation only takes place with a voluntary Memorandum of Agreement between the County and the Commission. The requested new legislation would also allow the Commission to delegate its erosion control authority to Counties for **State and Federal** projects.

Background Information

In the year 2000 Jackson County was granted permission from the NC Sedimentation Control Commission to operate a Delegated Local Program to enforce provisions of the Sedimentation and Pollution Control Act within the boundaries of Jackson County, NC. There is an official Memorandum of Agreement between Jackson County and the State. Jackson County is one of several Counties in North Carolina that is designated to provide oversight of erosion control rules. We have chosen to invest in additional personnel and other related costs because we believe that protecting our environment is extremely important. NCDEQ has limited statewide personnel reducing their ability to inspect major projects on a frequent basis. Jackson County's partnership with NCDEQ has enabled us to better protect our natural resources. This designation does not grant Jackson County authority over State projects.

Jackson County has experienced a tremendous amount of both private and public new construction growth in the past couple of years. Western Carolina University (WCU) is located within Jackson County. The needs of WCU have spurred a tremendous amount of private and public growth in the housing market. More specifically apartment complexes. In order to meet demand, WCU contracted with a private company to build out apartment complexes onto State property. The erosion control regulations have been enforced by NCDEQ for this project since the project is on State property. This project has consistently violated erosion control laws since June 2019. These violations have caused a significant amount of sedimentation to enter our streams, have caused evacuations of surrounding housing units due to mud slides and have caused multiple erosion issues upon roadways and surrounding property owners. Jackson County Code Enforcement employees worked diligently with NCDEQ to keep them informed of the ongoing issues. NCDEQ does not have the personnel to visit sites like these on a daily basis. Jackson County's daily involvement in this project eventually aided NCDEQ in issuing multiple notices of violations and monetary fines. But damage to our environment has occurred during the construction period. Jackson County believes that if this project fell under our jurisdiction then our ability to enforce regulations on a daily basis could have prevented some of the environmental damage that occurred.

NCACC Core Values and Environment Guiding Principles

Jackson County believes that this legislative goal submittal coincides with NCACC "Core Values" since this request strengthens local decision making in order to respond to local needs. We also believe that this request coincides with NCACC "Environment Guiding Principles" by involving local governments in the development and implementation of state policies. This request also allows Counties to ensure that enforcement of erosion control rules is accomplished in consonance with local plans and policies.

The Jackson County Board of Commissioners thanks the North Carolina Association of County Commissioners for all that is done for Counties throughout NC. Please let us know if any additional information is needed in regards to this goal request.

Respectfully,

Brian McMahan
Chairman, Board of Commissioners